



City Council Agenda

Council President
Henry Perea

Councilmembers

Tom Boyajian
Brian Calhoun
Brad Castillo

Jerry Duncan
Sal Quintero
Daniel Ronquillo, Acting President

City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch , CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 498-1321

The City Council welcomes you to this meeting.

TUESDAY, JULY 24, 2001

IF YOU WOULD LIKE TO SPEAK, FILL OUT A SPEAKER REQUEST FORM AVAILABLE FROM THE CITY CLERK'S OFFICE AND IN THE COUNCIL CHAMBERS. THE AGENDA IS AVAILABLE ON (www.ci.fresno.ca.us). THE COUNCIL MEETING CAN ALSO BE HEARD LIVE AT THE SAME WEB SITE ADDRESS.

9:00 A.M. ROLL CALL

Invocation by Associate Pastor Dave Parker of the Riverpark Bible Church
Matt Parker will sing the "Star Spangled Banner"

Pledge of Allegiance to the Flag

Presentation of Certificates of Commendation to Street Maintenance Employees - Mayor Autry and Council President Perea

Proclamation of "BRENDA TROUBAUGH DAY" - Council President Perea

Proclamation of "CALIFORNIA OPERA ASSOCIATION 2001 ARTS & EDUCATION FESTIVAL DAY" - Councilmembers Boyajian and Ronquillo

Presentation of P.R.I.D.E. Team Certificates for the Summer Quarter
(*Reception immediately following, 2nd floor foyer*)

COUNCIL ACTION ON UNSCHEDULED ITEMS, IF ANY, SHALL BE LIMITED TO REFERRING THE ITEM TO STAFF FOR A REPORT AND POSSIBLE SCHEDULING ON A FUTURE COUNCIL AGENDA. FOR EACH MATTER CONSIDERED BY THE COUNCIL, THERE WILL FIRST BE A STAFF PRESENTATION, FOLLOWED BY A PRESENTATION FROM THE PROJECT APPLICANT. TESTIMONY FROM THOSE IN ATTENDANCE WILL THEN BE TAKEN. ALL TESTIMONY GIVEN WILL BE LIMITED TO THREE MINUTES PER PERSON.

THE THREE LIGHTS ON THE PODIUM NEXT TO THE MICROPHONE WILL INDICATE THE AMOUNT OF TIME REMAINING FOR THE SPEAKER. THE GREEN LIGHT WILL BE TURNED ON WHEN THE SPEAKER BEGINS. THE YELLOW LIGHT WILL COME ON WITH ONE MINUTE REMAINING AND ONE TONE WILL SOUND. THE SPEAKER SHOULD BE COMPLETING THE TESTIMONY BY THE TIME THE RED LIGHT COMES ON AND TWO TONES SOUND, INDICATING THAT TIME HAS EXPIRED.

Approve minutes of July 17, 2001

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS

9:30 A.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of July 17, 2001

Action Taken:

AGENCY GENERAL ADMINISTRATION

- A.** Consider approval of Agreement and Stipulation to amend stipulated judgment, extending time (from Jul 15, 2002 to June 30, 2003) to complete construction of improvements on parcel 7 of Civic Center Square Area (Tulare, between "N" and "O" Streets)

Action Taken:

- B.** Direct staff to work with the City Attorney to develop guidelines and standards for color of residential and commercial buildings and fence standards on Ventura and Kings Canyon from First Street to Chestnut Avenue - Councilmember Quintero

Action Taken:

ADJOURN

9:45 A.M.

Appearance by Khosrow Moshrefi, et al., to request an increase in taxi fare

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

10:15 A.M. Request timeline for the Fresno Convention & Visitors Bureau to receive budget appropriation approved by Council - Councilmember Quintero

Action Taken:

10:30 A.M. Budget related matters - Fiscal Responsibility Committee

A. Approve Mayor's request for FY 2002 budget reconsiderations

- 1. RESOLUTION NO. 2001-200 - (Item No. 2)** - Reconsider allocation of \$100,000 within the Parks Department operating budget for funding of the Fresno Games

Action Taken:

- 2. RESOLUTION NO. 2001-200 - (Item No. 5)** - Reconsideration of allocation of \$59,000 within the Parks Department operating budget for funding YMCA Youth Programs

Action Taken:

- 3. RESOLUTION NO. 2001-200 - (Item No. 6)** - Reconsider allocation of \$100,000 of CDBG funding for POP operations

Action Taken:

- 4. RESOLUTION NO. 2001-200 - (Item No. 8)** - Request that Council reconsider allocation of \$150,000 within the Convention Center operating budget for funding the City's Film Commission

Action Taken:

B. Consider approval for a Council override vote of the line item vetoes of Resolution No. 2001-200 by Mayor Autry on June 19, 2001 (*Council action to override Mayoral veto requires 5 affirmative votes*) - Councilmember Calhoun

Action Taken:

- 1. RESOLUTION NO. 2001-200 - (Item No. 7)** - The Council's appropriation of \$150,000 to Youth Services Contingency

Action Taken:

- 2. RESOLUTION NO. 2001-202 - (Item No. 9)** -15% increase in the rate charged for water services vetoed and reduced to 8%

Action Taken:

2:00 P.M. #1 **CONTESTED CONSENT CALENDAR**

2:00 P.M. #2 **CLOSED SESSION**

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

- 1. Case Name:** R.L. Davidson, Inc. v. City of Fresno, et al.

Action Taken:

B. CONFERENCE WITH LEGAL COUNCIL - DECIDING WHETHER TO INITIATE LITIGATION - Government Code Section 54956.9, Subdivision (c)

Significant Exposure of Litigation:

1. **Case Name:** Two potential cases - case names unspecified. (Disclosure of title would either jeopardize ability to effectuate service of process or jeopardize ability to conclude existing settlement negotiations to City's advantage)

Action Taken:

C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, Subdivision (b)(1)

Significant Exposure of Litigation:

1. **Case Name:** San Joaquin Valley Taxpayers Association v. City of Fresno
2. **Case Name:** City of Fresno v. LAFCO, City of Clovis, County of Fresno, et al.

Action Taken:

3:00 P.M.#1 HEARING regarding 2001 Fresno Area Express/FAX proposed fare increase in transit fees

Action Taken:

3:30 P.M. Receive and accept Preliminary Report #2 from the Macias Consulting Group and Council direction thereon - Council President Perea

Action Taken:

1A. **GENERAL CONSENT CALENDAR**

(ALL CONSENT CALENDAR ITEMS ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS REQUESTED, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT CALENDAR AND CONSIDERED AT 2:00 P.M.)

1. Confirmation of appointment of Vince Correll to the Association for the Beautification of Highway 99 Committee - Councilmember Calhoun

Action Taken:

2. Authorize the Director of Public Utilities to execute an agreement with Pacific Gas and Electric to perform tariff schedule related work to connect the 10-Megawatt Substation at the Fresno/Clovis Regional Reclamation Facilities - Dept. of Public Utilities

Action Taken:

3. Approval of five (5) year Pacific Bell Calnet Agreement for data transport services - Dept. of Admin. Services/Information Services Division

Action Taken:

4. **RESOLUTION** - Approving a License Agreement with the Fresno Community Hospital and Medical Center to install certain private utilities in the public right-of-way of streets and alleys in the area generally bounded by Illinois Avenue, Fresno Street, McKenzie Avenue and Clark Street - Public Works Dept./Engineering Division

Action Taken:

1A. **GENERAL CONSENT CALENDAR CONTINUED**

5. Approve substitution of subcontractor for Sound Mitigation Acoustical Remedy Treatment (SMART) Program AIP 30 Phase 5, Bid Group 9 - Public Works Dept./Capital Mgmt Division
Action Taken:
6. Accept Utility Agreement No. 06-1120.61, relocation of street lights, Utility Agreement No. 06-1120.43, relocation of water facilities State Route 180, between Freeway 99 and Hughes Avenue - Public Works Dept./Engineering Division
Action Taken:
7. Award a requirements contract for MJ fittings - Dept. of Admin. Services/Purchasing Division
Action Taken:
8. Award a contract for FAX parking lot rehabilitation - Dept. of Admin. Services/Purchasing Division
Action Taken:
9. Approve the financing of linked copiers to replace the copy center high speed copier - Dept. of Admin. Services/Purchasing Division
Action Taken:
10. * **RESOLUTION** - 382nd amendment to MFS Resolution No. 80-420 to revise the Police Substation fee for Northeast Fresno
Action Taken:
11. Approve an agreement to receive funds from the San Joaquin Valley Air Pollution Control District Heavy-Duty Incentive Program - Fresno Area Express
Action Taken:
12. **RESOLUTION** - Authorize the purchase of Modicon control components for the water control system without competitive bidding under the sole source exception - Dept. of Public Utilities and Dept. of Admin. Services/Purchasing Division
Action Taken:
13. **RESOLUTION** - Approving submittal of applications for grant funds from the Per Capita Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 - Parks Dept.
Action Taken:
14. Appropriate \$14,000 of District 5's general fund infrastructure to fund \$1,500 for the Ladies Aid For Retarded Citizens (LARCS) \$1,000 for the Fresno Junior Handball Club, \$5,000 for the Sunnyside Assembly of God Church Harvest Celebration and \$6,500 for the Elizabeth Terronez Middle School Summer School Program - Councilmember Quintero
Action Taken:

1B. **CONSENT CALENDAR - BILL FOR INTRODUCTION - PINK TABS**

2. **PLANNING AND ZONING ADMINISTRATION**

3. **GENERAL ADMINISTRATION**

- A. * **BILL NO. B-63 - (Intro. 7/17/2001) (For adoption)** - Adding Section 10-1018 of the Fresno Municipal Code relating to private parking facilities - Council President Perea
Action Taken:
- B. * **BILL NO. B-64 - (Intro. 7/17/2001) (For adoption)** - Adopt the boundaries identified in the Revision "A" Alternative (redistricting of Council District boundaries) - Development Dept.
Action Taken:
- C. Proposed appointments of Jeff Harrington and Charles C. Vang and reappointments of Jess Alvarez, Nat DiBuduo, and Cynthia Sterling to the Planning Commission - Mayor Autry
Action Taken:

4. **CITY ATTORNEY**

- A. Consider approving request for conflict of interest waiver requested by the law firm of Sagaser, Franson & Jones, regarding City of Fresno/Scott Ellis Enterprises - Scott Ellis (Re Sugar Pine Trail)
Action Taken:
- B. Phase I of Code Streamlining to repeal outdated and unlawful provisions
1. * **BILL** - Repealing Article 9 of Chapter 8, Article 17 of Chapter 9, Article 5 of Chapter 13, Article 6 of Chapter 13, Sections 1-103, 2-805, 2-807, 2-808, 2-1611, 6-107, 6-110, 7-322, 8-123, 8-127, 8-129.2, 8-132, 8-202, 8-404, 8-405, 8-504, 9-107, 11-107, 11-108, 11-110 and 11, 111.1, 11-401, 11-402 and 11-403, Subsection (c) of Section 2-1666 relating to obsolete, unlawful cumulative, and meaningless provisions of the Fresno Municipal Code
Action Taken:

5. **CITY COUNCIL**

- A. Direct the City Manager or his designee to investigate having "glass frosting" used in graffiti locked up in stores like the spray cans - Councilmember Boyajian
Action Taken:
- B. **RESOLUTION** - In support of Assembly Bill 911 proposing to ban the use of hand-held cellular telephones while driving - Councilmember Calhoun
Action Taken:
- C. Direct City Attorney or her designee to draft an ordinance relating to expenditure of infrastructure funds including definitions, parameters, and procedures - Councilmember Duncan
Action Taken:

5. **CITY COUNCIL**

- D. Discuss allocation plan for expenditure of additional \$1 million neighborhood improvement project funds in Districts 1 through 6 - Council Fiscal Responsibility Committee

Action Taken:

- E. *(For Introduction)* Discussion regarding proposed design guidelines and standards for the City of Fresno - *(Council discussion to consider direction is scheduled for 7/31/01)* - Councilmember Calhoun

Action Taken:

6. **CITY/COUNTY INTERGOVERNMENTAL RELATIONS**

7. **UNSCHEDULED ORAL COMMUNICATIONS** - You may address the City Council at the conclusion of the Council meeting regarding items that are not listed on the agenda. The policy is to limit your presentation to three (3) minutes pursuant to Ordinance No. 96-67. Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date of appearance.

SCHEDULED COUNCIL HEARINGS AND MATTERS

- July 31 - 9:00 A.M.** Presentation of FAX ADA Advisory Committee Driver Appreciation Awards - Council President Perea
- July 31 - 10:15 A.M.** **CONTINUED HEARING** to consider Plan Amendment No. A-01-01, Rezoning Application No. R-01-02, filed by Westcal, Inc.
- July 31 - 10:00 A.M.** **HEARING** re: CFD No. 2, Annexation No. 28
- July 31 - 5:30 P.M.** **HEARING** re: Text Amendment No. TA-00-02 relating to group homes
- Aug 7 - NO MEETING - COUNCIL VACATION**
- Aug. 14 - NO MEETING - COUNCIL VACATION**
- Aug. 21 - 10:00 A.M.** **HEARING** re: resolutions for CFD No. 5 (Foundry Park)
- Aug. 28 - 10:00 A.M.** Study Session on Housing Programs
- Sept. 4 - NO MEETING - COUNCIL VACATION**
- Sept 11 - NO MEETING - COUNCIL VACATION**

